IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl. Rev. Pet. No. 251 of 2000

CRL. MP. 241/2000 of SESSIONS COURT, ERNAKULAM
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REVN. PETITIONER:

N. RAVIKUMARAN NAIR,
ADVOCATE,
HIGH COURT OF KERALA.

BY ADV. SRI. VELLAYANI SUNDARARAJ
SMT. P. MEENAKUMARI.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT, ERNAKULAM.**

2. **P.R. BALAKRISHNAN, PROPRIETOR, WOODLANDS JEWELLERY, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. C. K. SURESH
SRI.V. P. REGHURAJ
SRI.V. SIVARAJAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl. Rev. Pet. 251/2000

Order on Crl. M.P. No. 1522 of 2000 in Crl. R.P. No. 251 of 2000

Dismissed.

12.03.2007 **Sd/- K. HEMA, JUDGE.**

// TRUE COPY //

P.A. TO JUDGE.

smp

K. HEMA, J.

CRL. R.P. NO. 251 of 2000

Dated this the 12th day of March, 2007

O R D E R

This revision petition is filed by accused in C.C. No. 168 of 1996 on the file of Chief Judicial Magistrate Court, Ernakulam. A petition was filed before learned Sessions Judge, Ernakulam to transfer the above said case from Court of Chief Judicial Magistrate to any other court of competent jurisdiction. Allegations were made indicating that the then learned Chief Judicial Magistrate was biased against revision petitioner. According to petitioner, learned Magistrate had insisted for settling the matter and also made some observation which could raise reasonable apprehension in the mind of revision petitioner that the Magistrate was biased.

2. Learned Sessions Judge found that the apprehension was baseless and that the allegations are not correct. At the time of hearing, revision petitioner and counsel are absent. There is no representation for revision petitioner. On going through the records, I find that the transfer application was filed on the allegation that learned Chief Judicial Magistrate who was dealing with the case was personally biased against revision petitioner. The petition was filed as early as in 2000. Learned Magistrate who was dealing with the case during the relevant period was already transferred. In the above circumstances, I need not consider the correctness of the allegations made. There is no reason to transfer the case to any other Magistrate Court. Hence, there is no ground to interfere with the order under challenge.

According to learned Magistrate, as per the written remarks, accused was absconding and steps were initiated against him under Sections 82 and 83 of Code of Criminal Procedure and hence the attempt of the petitioner, who is a practicing lawyer, is to protract the matter. The allegations of bias etc. are not correct. On going through the records, I do not find any perversity in the findings of fact with respect to the allegations levelled against learned Chief Judicial Magistrate. It cannot be said to be improper or incorrect.

This revision petition is dismissed.

K. HEMA, JUDGE.

smp